



AR 1733

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q63842

Jun MATSUZAKI, et al.

Appln. No.: 09/806,414

Group Art Unit: 1733

Confirmation No.: 8685

Examiner: Steven D. Maki

Filed: July 02, 2001

For: PNEUMATIC TIRE

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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MAY 11 2004
TC 1700

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed after either a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), but before payment of the Issue Fee, and therefore Applicant is submitting herewith a check for the fee of \$180.00 under 37 C.F.R. § 1.17(p), and a Statement Under 37 C.F.R. § 1.97(e).

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication dated

INFORMATION DISCLOSURE STATEMENT
U.S. Appln. No.: 09/806,414

February 18, 2004 from the European Patent Office in a counterpart application citing such documents and indicating the degree of relevance found by the European Patent Office.¹

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



Christopher R. Lipp
Registration No. 41,157

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 28, 2004

Attorney Docket No.: Q63842

¹ Although the Communication from the European Patent Office cites both EP 715 972 and AT 394 684, only AT 394 684 is being submitted with this Information Disclosure Statement (IDS) since EP 715 972 was previously submitted with the June 12, 2002 IDS.



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Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

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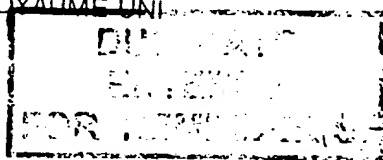
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20 FEB 2004

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Application No. 00 948 272.0 - 1253	Ref. EPP83768	Date 18.02.2004
Applicant BRIDGESTONE CORPORATION		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



BARADAT J L F
Primary Examiner
for the Examining Division

Enclosure(s): 2 page/s reasons (Form 2906)
EP-B-394684



Datum
Date 18.02.2004
Date

Blatt
Sheet 1
Feuille

Anmelde-Nr.:
Application No.: 00 948 272.0
Demande n°:

The examination is being carried out on the following application documents:

Text for the Contracting States:

DE ES FR GB IT

Description, pages:

1-74 as originally filed

Claims, No.:

1-14 as received on 20.06.2003 with letter of 18.06.2003

Drawings, sheets:

1/12-12/12 as originally filed

1. The following document (D) is referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D2: EP-A-0 715 972 (SEMPERIT AG) 12 June 1996 (1996-06-12)

The following document (D) is cited by the examiner (see the Guidelines, C-VI, 8.9). A copy of the document is annexed to the communication and the numbering will be adhered to in the rest of the procedure:

D3: AT-B-394 684 (SEMPERIT AG) 25 May 1992 (1992-05-25)

2. The clarity objection under Article 84 made in the first official communication at point 2.3 is not satisfactory addressed because the amendment made to the former claim 15, now claim 1, introduces more confusion to the original text. The reason therefor is that there is now a contradiction between the feature "a central auxiliary groove portion inclined in the same direction as that of the shorter diagonal line of the land portion" and the feature "such that the angle formed between said shorter diagonal line and said central auxiliary groove portion is



Datum
Date 18.02.2004
Date

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Sheet 2
Feuille

Anmelde-Nr.:
Application No.: 00 948 272.0
Demande n°:

within ± 20 degrees" when the expression "inclined in the same direction as that of the shorter diagonal line of the land portion" is interpreted in a strict way. If on the contrary said expression is taken in its broadest meaning then it becomes useless in view of the second feature and the should consequently be deleted.

3. If the applicant chooses the second option then lack of novelty arises with document D2 (see column 4, lines 6-22) from which the reader can derive a range of inclination for the fine cut (13) which is wider than the claimed range " ± 20 degrees" and can be estimated at about " ± 50 degrees" if the skilled man considers the possible block sizes of such a tire: the average inclination of cuts (13) is to be chosen between 60 and 80 degrees with regards to the equatorial plane and substantially normal to the block longest diagonal. The range of claim 1 is not narrow compared to the disclosed range, therefore one of the conditions rendering a range included in a known range novel over said known range is not fulfilled. Since document D2 discloses also the other features of claim 1, the subject-matter of said claim is not novel (Article 54(2)).

A novelty objection is also possible with document D3 (see page 2, lines 42-51 and figure 2) using the same type of argumentation with fine cuts (8) and block row (3).

4. In conclusion the examining division is of the opinion that the wisest solution to render claim 1 acceptable is to combine claim 4 with claim 1 and delete the feature "such that the angle formed between said shorter diagonal line and said central auxiliary groove portion is within ± 20 degrees". Such an amendment would in fact be more in line with the tested tires because it appears from the description that only tires according to claim 4 have been tested and have shown the effects linked to the invention. The description should then be brought into conformity with the final set of claim.